

U.S. Patent Application Serial No. 09/926,395
Amendment dated December 4, 2003
Reply to OA of September 5, 2003

REMARKS

Claims 1-11 are pending in this application. Claims 12-19 have been canceled herein without prejudice or disclaimer.

An amendment is proposed to claim 2 is to insert a period at the end of the claim. No new matter is added by this amendment.

Regarding claims 12-19.

In the final Office action, the Examiner indicates that only claims 1-11 are pending. Claims 12-19 were withdrawn from consideration in the Office action dated December 19, 2002, as a result of the election of claims 1-11 in the in the Response to Restriction Requirement of December 9, 2002. In the Amendment of June 19, 2003, however, claims 12-19 were not canceled, although page 2 of the Amendment indicated that claims 1-11 were pending. To avoid confusion, claims 12-19 are canceled herein.

Claims 1-11 are rejected under 35 U.S.C. §102(e) as being anticipated by Wakizaka et al. (6270900). (Office action paragraph no. 1)

The rejection of claims 1, 3-6 and 8-11 is overcome by the assertion of the claim for foreign priority in this application. The rejection of claims 2 and 7 is respectfully traversed.

Regarding claims 1, 3-6 and 8-11, verified translations of the priority documents JP 122999/1999, filed April 28, 1999, and JP 142555/1999, filed May 24, 1999, are submitted herewith,

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in accordance with 37 CFR 1.55(a)(4). These priority documents antedate the 102(e) date of April 24, 2000, for Wakizaka et al. '900.

Applicants note support in the priority documents for the recitations of claims 1, 3-6 and 8-11, as follows:

Claim 1 of JP122999/1999 recites a laminate comprising, firstly, "one alicyclic polymer layer". This corresponds to "alicyclic polymer layer (A)" in present claim 1. Claim 1 of JP122999/1999 then recites a "layer containing an alicyclic polymer and a thermoplastic resin". This corresponds to layer (C) of present claim 1, which is "of a resin composition comprising an alicyclic polymer and a thermoplastic resin." Claim 1 of JP122999/1999 finally recites "one thermoplastic resin layer". This corresponds to "resin layer (B) comprising thermoplastic resins other than those used in polymer layer (A)" in present claim 1.

Support for the recitation of a norbornene polymer in claim 2 may be found, for example, in paragraph [0009] of JP122999/1999. Support for claims 4, 5, 6, 8, 9, 10 and 11, may be found in paragraphs [0010], [0032], [0034], [0033], [0033], [0041] and [0041], respectively, of JP122999/1999.

As noted above, the rejection of claims 2 and 7 is respectfully traversed.

Claim 2 requires that "the thermoplastic resin contained in the resin composition layer (C) is a linear low density polyolefin having a long period of at most 275 angstroms as measured by the small angle X-ray scattering method". Applicants submit that Wakizaka et al. '900 neither teaches nor suggests a linear low density polyolefin having these limitations.

In the final Office Action, the Examiner asserts that Wakizaka et al. discloses that the thermoplastic resin contained in the resin composition layer is a linear low-density polyolefin having a long period of at most 275 angstroms as measured by the small angle X-ray scattering method in column 7, lines 25-37. However, these lines of Wakizaka et al. read:

“(v) Copolymerizable Another Monomer

In the present invention, the monomer having a ring structure may be subjected to addition (co)polymerization with another monomer copolymerizable therewith as needed.

Examples of another monomer include α -olefins having 2 to 12 carbon atoms, such as ethylene, propylene, 1-butene, 4-methyl-1-pentene; linear conjugated dienes such as 1,3-butadiene and isoprene; vinyl ethers such as ethyl vinyl ether and isobutyl vinyl ether; and carbon monoxide. A copolymer obtained by using the α -olefin among these to addition-copolymerize it with the norbornene monomer is preferred as the ring structure-containing polymer.”

That is, these lines of Wakizaka et al. merely describe another monomer such as ethylene copolymerizable with a monomer having a ring structure. There is no disclosure of any limitations on X-ray scattering characteristics, and in particular of linear low density polyolefin having a long period of at most 275 angstroms as measured by the small angle X-ray scattering method.

Likewise, claim 7 recites that “the thickness proportion of the resin composition layer (C) is 5 to 100% based on the total thickness (100%) of the alicyclic polymer layer (A) and the thermoplastic resin layer (B)”. Applicants submit that Wakizaka et al.'900 does not disclose a laminate comprising both an alicyclic polymer layer (A) and a layer (C) of a resin composition comprising an alicyclic polymer and an other thermoplastic resin composition layer (C) as recited in claim 7 of the present invention.

In the final Office action, the Examiner cites column 4, lines 54-58, as disclosing the 5 to

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100% thickness proportion limitation of claim 7. However, these lines of the reference read:

"The ring structure-containing polymers desirably contain the repeating unit derived from the monomer having a ring structure in a proportion of generally at least 50 mol %, preferably at least 70 mol %, more preferably at least 80 mol % based on the whole repeating unit of the polymer."

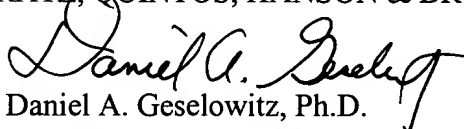
Applicants note that these lines do not relate to thickness of any layer, but only to the composition of ring structure-containing polymers.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP


Daniel A. Geselowitz, Ph.D.

Agent for Applicants
Reg. No. 42,573

DAG/plb
Atty. Docket No. 011424
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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Enclosures: Verified translations of Priority Documents 142555/1999 and 122999/1999
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